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EARLY POLITICAL HISTORY
OF
NEW YORK.

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Harvard College Library



FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,
who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.





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An Address

DELIVERED BEFORE THE

NEW-YORK HISTORICAL SOCIETY,

ON ITS SIXTIETH ANNIVERSARY,

TUESDAY NOVEMBER 22, 1864.

BY

FREDERIC DE PEYSTER,

PRESIDENT OF THE SOCIETY.



NEW-YORK:
PUBLISHED FOR THE SOCIETY.
MDCCCLXV.

15 15284.5

✓



Bright Fund

At a special meeting of the New York Historical Society, held in its Hall, on Tuesday Evening, November 22d, 1864, to celebrate the Sixtieth Anniversary of the founding of the Society.

"The President of the Society, FREDERIC DE PEYSTER, delivered the Address.

"On its conclusion, ERASTUS C. BENEDICT, with some remarks, submitted the following resolution :

"*Resolved*, That the thanks of the Society be presented to its President, FREDERIC DE PEYSTER, Esq., for his highly interesting and valuable address, delivered before the Society this evening, and that a copy be requested for publication.

"The resolution was seconded by the Rev. JOHN McVICKAR, D. D. and GEORGE BANCROFT, LL. D., with remarks by each, and adopted unanimously."

Extract from the Minutes,

ANDREW WARNER,

Recording Secretary.

JOHN F. TROW,
PRINTER, STEREOTYPY, AND ELECTROTYPY,
50 Greene Street, New York.

OFFICERS OF THE SOCIETY

ELECTED JANUARY, 1865.

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FREDERIC DE PEYSTER.

First Vice-President,

THOMAS DE WITT, D.D.

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ROBERT L. STUART.

JOHN WILLIAM DRAPER, LL. D.



ANNIVERSARY ADDRESS.



WE are assembled, Fellow-members, this evening, to celebrate the Sixtieth Anniversary of THE NEW YORK HISTORICAL SOCIETY. What memorable events mark the intervening threescore years in the Natural, Civil, Literary, and Ecclesiastical History of our State and Country!

The preceding half century witnessed the success of the measures to which the love of Liberty earlier gave birth, in the achievement of our National Independence; and that which secured to the American Republic its blessings and substantial good, the Constitution, the fundamental law of the land.

Among the founders of this Society were some of the illustrious men who took an active part in the great drama, the closing scenes of which threw

their radiant beams upon the dawn of the present century. To gather up, before they were irrecoverably lost, the memorials of the recent past, and preserve them, as the materials of history both of our State and Nation, originated the plan first discussed for the formation of this Institution on the twentieth of November, 1804, and finally adopted by the permanent organization, which took place on the fourteenth of January, 1805.

It is with a view to carry out this idea of the Founders of this Society, that I have selected the subject upon which I am to address you this evening. It is a chapter from the Civil History of New York in its Colonial condition, as well as under its State organization. It was my original intention to have treated also the other departments embraced in the design of this association; and I had accordingly prepared papers upon the Natural, Literary, and Ecclesiastical History of our State and Country. But time will not permit their use this evening; and I shall reserve them for some future occasion.

After a brief allusion to my predecessors in office, and particularly to the venerated man whom I have the honor to succeed in the Presidency of this Society, I shall pass at once to the consideration of the subject to which I wish at this time to ask your attention.

During the past sixty years, ten Presidents have preceded me. Many of the members present may not be familiar with their names: I therefore repeat them. **EGBERT BENSON, GOUVERNEUR MORRIS, DE WITT CLINTON, DAVID HOSACK, JAMES KENT, MORGAN**

LEWIS, PETER G. STUYVESANT, PETER AUGUSTUS JAY, ALBERT GALLATIN, and LUTHER BRADISH.

The greater number of these were illustrious for their virtues and intellectual labors; and their names are among the treasured memories of the Nation. All were prominent members of this Society, alike distinguished for their individual worth and devotion to the public good. Had time permitted, I should have presented a brief sketch of each; for to nine of these eminent men I was personally known, and had opportunities of gathering many cherished recollections of their public and private life. With a majority of the Founders of the Society, and its earliest members, I was also personally acquainted; and on looking over the names of the former, as recorded on our minutes, I find that not one of these survives. Thus I stand, as it were, a connecting link between these departed and the living members of this Society.

In my early youth I accompanied Mr. BRADISH, at his invitation, on an excursion to Quebec; on our way passing through the counties of Franklin and St. Lawrence, to visit lands which he owned in both counties. We reached Plattsburgh on Lake Champlain by easy stages, and from thence journeyed to Ogdensburgh on the river St. Lawrence, on horseback, through almost an entire wilderness.

At that time this was the only practicable mode of accomplishing the journey. For weeks we slept together, during the frosty nights of September, looking through the chinks of the logs upon the stars brightly shining over us. From Waddington, a little

below Ogdenburgh, we descended the St. Lawrence in what was then known as a "*Durham boat*," without a cabin or covering to shield us from the weather. We rested at night on the Canadian shore, in such quarters as could be made most available to protect us from the severity of the climate. The journey by land was one of peculiar hardship to Mr. BRADISH, from the circumstance of his being at that time but an indifferent horseman. Beautiful as were the shores of this picturesque river, and exciting as were the scenes we encountered in passing its numerous rapids and in plunging through its foaming cascades, still the descent at that season subjected us to the violent blasts and changes of weather, against which there was no sufficient mode of protection on our voyage to Montreal.

I allude to the circumstances of this journey in order to bear witness to his uniform urbanity of manner and the kindliness of his disposition, which were part of his very nature. The most annoying circumstances neither affected the one nor disturbed the other. The benevolence of his heart, his good sense and sound judgment, never failed to have their full influence upon all those with whom he came in contact, and to mitigate or remove all opposing difficulties.

In the course of the following summer, I accompanied him in an excursion through the States of Pennsylvania and New Jersey, with similar results and an increased admiration of his social and intellectual qualities. On one occasion we were in immediate peril of our lives ; but Mr. BRADISH did not

lose his self-possession, and by his prudent caution facilitated our escape. There were many occasions which would have excused a display of contrary qualities; but he seemed ever to act the part of a Christian gentleman. It affords me peculiar satisfaction to bear this testimony to the character of one whom, on a former occasion, I stated was like CATO, as described by SALLUST, who chose rather to be, than to seem, good—"esse, quam videri, bonus malebat."

So full was the testimony borne to his character as a Scholar, Statesman, Legislator, and Judge, and of his consistent Christian walk during his long and useful life, on the occasion of the commemorative proceedings in this hall consequent upon his decease, that I proceed at once to mention a few additional circumstances, illustrative of the closing events of his life, which came under my observation, or which were communicated to me by persons conversant with them.

A few months before his death, he overtook a mutual friend on her way to Grace Church (of which they were both members), and on her alluding to his punctual attendance, he replied: "I wish to avail myself of the opportunity of hearing 'The Declaration' pronounced to the truly repentant and believing, of the remission of sins in the Saviour's name. All of us may receive benefit from its repetition." ¹


Before Mr. BRADISH left the city for his usual summer sojourn in the country, in the spring of 1863,

¹ Book of Common Prayer, Morning and Evening Service.

I met him occasionally about the hour of evening prayer, coming from or going to Trinity Church. His countenance at such times was much more grave than usual, and he took no notice of the passing crowd, as was his custom, in order to return a friendly salutation. For some time previous I had noticed symptoms of his failing health, and felt fully persuaded that he was conscious of his decreasing hold on life.

In my boyhood, I had noticed in the churchyard of that venerable Church a monumental slab, near the tomb of ALEXANDER HAMILTON, on which are engraved only these tenderly expressive words, "MY MOTHER," and underneath these two words, "*The trumpet shall sound, and the dead shall arise.*" What availed to the sorrowing heart of the afflicted mourner (whose filial piety had raised this impressive monument), family distinction, worldly renown, or social position? Without a doubt as to the resurrection of the dead at the last trump, faith in Him in whom she did believe, made this assurance certain, that the beloved being whose remains lay there entombed, would then *arise* to life immortal, "an angel in heaven."

The firm faith which the selection of this text exhibited, was by some unaccountable association in my mind connected with my lamented friend, on the occasions to which I have just referred. I felt assured that the final summons would find him "watching." Before leaving the city for his accustomed abode in the country, he called to see me at my house, and spoke with deep interest of the



proposed "Historical Museum" in the Central Park, in the completion of which he took the deepest interest; and he proposed to unite with me, on his return, in the prosecution of every practicable measure to insure its success. This was our last interview! It was with a saddened heart I heard of his death. It was the rending of the chain which had for so many years united me to him, in the bond of friendship and in kindred pursuits. As his life was fast ebbing away, this faithful soldier of the Cross, ready to depart, said to a sympathizing friend beside him, "*All is well*," and soon after closed his eyes in death.

"To others Death seems dark and grim,
But not, Thou Life of life, to me;
I know Thou ne'er forfakest him
Whose heart and spirit rest in Thee.
Oh! who would fear his journey's close,
If from dark woods and lurking foes,
He then find safety and release?
Nay, rather with a joyful heart
From this dark region I depart,
To Thy eternal light and peace."¹

—Thus, all was well!²


¹ "Lyra Germanica," Defzler, 1692.

² LUTHER BRADISH, LL.D., died at Newport, R. I., on Sunday, August 30, 1863, in the eightieth year of his age. He became a member of the Society in 1817, and was chosen to be one of its Vice-Presidents in 1845. Upon the decease of ALBERT GALLATIN, in 1849, Mr. BRADISH was elected, in January, 1850, President of the Society; and was annually re-elected to the same office, the duties of which he continued to discharge with distinguished ability until his death. His remains lie buried in Greenwood Cemetery.

I now proceed to the consideration of the principal subject of this Address—the Early Political History of New York, which is a branch of the Civil History of our Country and State; one of the prominent objects entrusted to the fostering care of the Society. It requires no argument to enforce its importance. The materials relative to this subject have been diligently collected and faithfully preserved in our library; and the attention of every inquirer on the subject has been invited to examine the treasures which have been here gathered, while every facility is afforded to enable him to derive benefit from their contents.

The labors of the Society in this department of knowledge have been eminently useful; and they are known throughout the State and the Union to every one who has taken an interest in the history of his country.

Without attempting even to allude to those instances which have attracted most attention, I may be permitted to refer to the earnest efforts of the Society, and to their influence, in securing the favorable action of the Legislature, when that body authorized the examination of the archives of France, Holland, and Great Britain, and the collection therefrom of materials concerning the History of Colonial New York. And when an Agent was required, through whose judicious and intelligent efforts the design of the Legislature should be carried out, or an Editor under whose careful supervision and scholarly illustration those papers should be published to the world, two of our number—JOHN ROMEYN BROD-



HEAD, Doctor of Laws, and E. B. O'CALLAGHAN, also Doctor of Laws—were selected for the purpose. How faithfully they have discharged their respective duties, and how much every historical student is indebted to their arduous and well-directed labors, I need not mention in your presence.

The Society has also been the instrument for preserving and restoring to the State Government, on more than one occasion, important portions of its long-lost records. The Journals of the General Assembly of the Province from 1766 until 1776, and that of the Assembly of the State for the first meeting of the Fourth Session, both of which were printed from copies which were found only in the Library of the Society, are notable examples of its usefulness in perfecting the archives of the State.

I may also allude, in this connection, to the great success which has attended the labors of the Librarian of the Society, Mr. MOORE, in his patient and long-continued search for others of the Journals and Statutes of the Colonial Assembly, some of which had been missing more than a century—a success of which the importance to every careful student of American History will be appreciated only when its extent and character shall have become more fully known.

In this hasty retrospect of a small portion of the Society's labors in this department, I may also justly and satisfactorily allude to the individual efforts of its members in the great cause of historic literature. Without disparaging the efforts of the members generally, in their untiring efforts and their generous

liberality to promote that cause, and to secure for this City and this State the just degree of honor which properly belongs to each, the individual labors of our associates, MOULTON, O'CALLAGHAN, SHEA, WATSON, PAULDING, VALENTINE, DAVIS, DE VOE, LOSSING, FOLSOM, FRANCIS, GEORGE H. and FRANK MOORE, IRVING, VERPLANCK, BRODHEAD, and BANCROFT, may be referred to with honest pride; while the earnest and successful defence of the peculiar claims of New York, and of her well-merited title to the honor of having led her sister States in the great struggle for "the rights of mankind," which has been made, successively, in your meetings, by Rev. Doctor DE WITT, by CHARLES FENNO HOFFMAN, and by HENRY B. DAWSON, is fresh in the memory of all who have taken an interest in the proceedings of our Society.

The Political History of New York, as I have said, is peculiarly important. You well know that this State has been the scene of the most violent and uncompromising party strife, from the day of its seizure by the English, in 1664, until the present hour; and in no portion of our country have the politics of the day assumed greater importance in the history of our times.

In the earlier days of the Colony the struggle was one of antagonistic races; later it became a contest for political power between leading rival families; and later still it was a war of principles, in which the unfranchised, unrepresented, and unhonored masses of the Colonists, led by a few able and daring "Sons of Liberty," contended with the Sovereign and with

his Ministers and with those who sympathized with them, for their birthrights as Englishmen and for their political manhood. These were followed by the organized struggles of the more modern political parties, each seeking the mastery; and Republicans¹ and Federalists,² Clintonians and Bucktails, Whigs and Democrats, and these, also, "native here and to the manor born," Barnburners and Hunkers, Silver-Greys and Woolly-Heads, Loco-Focos, Hard-Shells

¹ It is an interesting fact, now little known, that the Democratic party, in its earlier days, was thus designated; and that The Tammany Society, for many years past so influential in the politics of the State and Union, officially recognized that title as the name of its party.

Thus, in 1809, when that body determined to erect a hall for its accommodation—the "Tammany Hall" of to-day—it passed a "Law," so called, for the "Building of a Wigwam," of which the following is the Preamble:

"Whereas, several members of the Tammany Society, or Columbian Order, have voluntarily offered to subscribe moneys for the purchase of ground and the erection of a Wigwam for the use of the Institution and the general accommodation of *Republicans*," &c.—*The Croakers (Bradford Club Edition)*, 155.

² The great political parties in the State of New York arose from the conflicting sentiments concerning the extent of power which was necessary to enable the Congress of the United States to discharge the duties to which it was appointed; but they did not assume distinct organizations until the proposed Constitution for the United States was presented to the State for its approval and ratification.

The opponents of the Constitution called themselves *Federalists*; but the friends of the measure claiming also to be Federalists, the former, in contradistinction, became known as *Ante-Federalists*—a name which soon gave way to that of *Republicans*; by which the opponents of a centralization of power in the Federal authorities were known for many years.

After several changes, both in name and organization, the *Federalists* gave way to the modern *Whigs*; while the *Republicans*, with the prefix of *Democratic*—which was probably assumed to distinguish them from the *National Republicans*, one of the offshoots of the *Federalists*—continue, with various modifications in its platform, the opposition party of to-day.

and Soft-Shells, have successively appeared and vanished, while the War and Peace Democrats and the Union-men and Republicans of to-day, in their turn, are actively performing their respective parts in the great drama; affording to those who shall follow us, either an empty name—"genus et nomen inutile"—or sound lessons of political wisdom and fresh subjects for the pen and the pencil.

During the first of these periods, from the very nature of things, the English and those who came with them into the Colony were considered intruders and enemies by the Dutch, and by the great number of those who were within the Colony at the time of the surrender.

The first of these parties was a conqueror, flushed with a bloodless victory; haughty and overbearing in his intercourse with the Colonists, and extremely impatient of the least opposition; the last were a conquered people, chafing under the political and commercial disabilities which had been unjustly and illegally imposed upon them, and watchful of every opportunity to oppose the ruling party. The one was the *Government*, claiming and exercising every political power, and, as the representative of the Sovereign, disregarding every pretension of the inhabitants to any political rights whatever; the other was the *Governed*, claiming, in vain, all the rights of manhood and all the social, political, and commercial privileges which had been guaranteed by the ruling party, in the "*Articles of Surrender*."

Deprived of the greater number of the rights and privileges which they had enjoyed before the surren-

der of the Colony to the English;¹ denied the enjoyment of any of the rights of Englishmen,² of which they had heard so much; and with the sole right of Government vested, without control, in their opponents;³ the mass of the Dutch and their supporters were compelled either to submit to their social, commercial, and political degradation in *silence*, or to *resist* the power which oppressed them. The former of these they could not do; and they immediately united in a respectful but resolute opposition

¹ Liberty of conscience was "allowed" to a limited extent only. (*Conditions for New Planters in the Territories of H. R. H. the Duke of York*.) Their commerce was confined to England, contrary to the sixth Article of Capitulation, which guaranteed free commerce with Holland. (*Orders in Council, November 18, 1668*.) Many other instances occur, in which the inhabitants of the Colony were deprived of their political rights by their conqueror.

² Principal among these rights was that of representation before the imposition of taxes; yet taxes were levied in New York by warrants issued annually by the Governor and his Council on assessments which had been made by the constables and overseers of the several towns, all of whom were responsible only to the Governor who appointed them, and not, in the remotest degree, to the Colonists among whom they exercised authority. (*Duke's Laws, title, "Public Charges."*) The right to levy imposts, also, was exercised under special orders from the Duke, without reference to the Colonists. (*Reply to Petitions of num^{rs} of yr Maties Customs; Instruccions for EDM^d ANDROS, Esq., my Lt Governr of Long Island, &c., July 1, 1674; Duke of York to Governor ANDROS, January 28, 1676; The same to the same, May 7, 1677, &c.*)

³ The Code of Laws by which the Colony was governed was "established by the authority of His Majesty's Letters Patent, granted by His Royal Highness JAMES, Duke of York and Albany," and published "by virtue of a Commission" from that Prince, without the recognition on his part of any rights of legislation either in the Colonists or any other body whatever (*Duke's Laws, Title*); while even the local authority of the "Court of Assizes" extended only to the privilege of *recommending measures to the Duke for his enactment*, "without whose approbation they acquired but little authority." (*Chalmers, 574.*)

to the Governor, in his earliest attempt to secure their allegiance, without recognizing their guaranteed rights; and as steadily and resolutely they continued their opposition, and refused to acknowledge their allegiance to their conqueror, until they had compelled him to honor the Articles of Surrender, and to recognize and secure to them, as those Articles had recognized and secured, the more important of their social and political privileges.¹

STUYVESANT and VAN CORTLANDT, and DE PEYSTER and STEENWYCK, and their associates, in their early and protracted resistance to arbitrary power in the Colony—a resistance which was carried beyond the limits of the Colony and forced itself into notice within the immediate habitations of Royalty itself—are entitled to the highest respect of every friend of republican principles of government; and the Society will not fail to recognize in these the names of the earliest and most resolute opponents of the Crown in New York.

In the second era of her Political History, New York presented a spectacle which is not less interesting than that to which I have already referred.

The two races, Dutch and English, by intermarriages and the lapse of time, having gradually lost their distinctive features and their early antagonism, the former, during the second era in the Political History of New York, was chiefly known, as a class,

¹ Minutes of the Common Council of the City of New York, Friday, October 15, Tuesday, October 19, and Wednesday, October 20, 1664, cited at length in DAWSON'S *Sons of Liberty*, &c., 14-16.

by its steady sympathy with the masses; and it consequently became, in many instances, the nucleus around which were concentrated the unorganized and scattered elements of opposition to the Government, when the Sovereign, his Ministry, or the local Provincial authorities, ventured to infringe more boldly than usual on the fundamental political rights of the Colonists.

As instances of this sympathy with the popular cause, which was shown by the great body of the Dutch in New York, and of the steadiness with which the opposition among the English coalesced with the former, reference may be made to the well-known troubles of which Captain JACOB LEISLER and JOHN PETER ZENGER were, respectively, the more prominent parties—troubles which are well known, in their general features, to every careful student of the history of New York.

In the former of these, as will be remembered, in 1689, the Lieutenant-Governor, NICHOLSON, was deprived of his authority by the outraged Colonists, headed by Captain ABRAHAM DE PEYSTER, Lieutenant HENDRICK CUYLER, JOHANNES DE PEYSTER, JAN VAN GELDER, DOCTOR HANS KIERSTED, ISAAC DE REIMER, JOOST STOLL, GERRITT DUYCKINCK, PETER DE LA NOY, JOHANNES VERMILJE, DOCTORS SAMUEL STAATS and GEORGE BEEKMAN, JOHN COWENHOVEN, and HENDRICK JANSEN—the nationality of all of whom will be readily distinguished by their names—and the supreme authority within the Colony was conferred by the provisional “Committee of Safety,” which had been organized and recognized by the great

body of the inhabitants of this city and its vicinity, on Captain JACOB LEISLER, a well-known and influential inhabitant of New Amsterdam in former days, but at the time of which we speak a wealthy merchant of New York.¹

Of this protomartyr of American Independence the world knows too little; for to his earnest and honest services in opposition to monarchical usurpation and ministerial violations of the political rights of the subject, even the pens of republican historians have been too tardy in rendering appropriate and sufficient honor.

Of his origin and early life we know nothing beyond the fact that he was a native of Frankfort in Germany;² and the earliest notice of him which the annals of the Colony have preserved, indicate that he was a prosperous merchant in this city, while it was yet a dependency of the Dutch.³ On the eighteenth of March, 1663, he was married, in the ancient Dutch Church in this city, to ELSJE TYMENS, the widow of PETER CORNELISON VANDERVEEN;⁴ and seven children—SUSANNA, CATHARINA, JACOB, MARY,

¹ Abstract from Journal kept by Colonel NICHOLAS BAYARD, since June 11, 1689 (*N. Y. Colo. Docs.*, iii., 599); STEPHEN VAN CORTLANDT to Governor ANDROS, N. Y., 1689, July 9; *A Modest and Impartial Narrative of Several Grievances and Great Oppressions, &c.*; JACOB LEISLER, and others, to the King, June 23, 1690.

² "Introductory" to Vol. II. of *The Documentary History*; Marriage Register of the Collegiate R. D. Church in New York.

³ Remonstrance of the People of New Netherland to the Director-General and Council, September 5, 1664; Minutes of the Council of the Administrations of Commanders EVERTSEN and BENCKER, February 1, 1674.

⁴ Marriage Register of the Collegiate R. D. Church in New York.

JOHANNES, HESTER, and FRANCINA—were the fruits of this marriage.¹

His influence was so great among the merchants of this city, that, in 1674, he was appointed one of the Commissioners (Captain MARTIN KREGIER and FRANCIS ROMBOUTS being his associates) to provide means for the defence of the city;² and in the assessment of the property of “the best and most affluent inhabitants of this city,” in February of that year, JACOB LEISLER and JOHANNES DE PEYSTER, possessing equal amounts of property, were the seventh and eighth on the list—FREDERIC PHILIPSEN, CORNELIS STEENWYCK, NICOLAES DE MEYER, OLOF STEVENSE VAN CORTLANDT, JERONIMUS EBBINGH, and CORNELIS VAN KUYVEN alone exceeding them in the extent of their property;³ while the BAYARDS, the MINVIELLES, the KIERSTEEDS, the VAN BRUGHES, the DE FOREESTS, the VAN DE WATERS, the VAN DER SPIEGELS, the KRIGIERS, the BEEKMANS, and, with one exception, the VAN CORTLANDTS, were far below them on the property lists of the day.

As Mr. LEISLER had been one of those who, in October, 1664, had resolutely refused to take the oath of allegiance to the King of Great Britain and of obedience to his authority, until it was expressed in such oath that such allegiance and such obedience were to be made “conformable to the Articles con-

¹ Register of Baptisms in Collegiate R. D. Church in New York.

² Minutes of the Council of the Administrations of Commanders EVERTSEN and BENCKER, February 1, 1674.

³ Assessment Lists in Minutes of the Council, &c., February 19, 1674.

cluded at the Surrender of this place,"¹ it is very evident that even at that early day he was duly sensible of the political rights of the Colonists, as well as of the means which were necessary to protect them against the contingent aggressions of the Government. Let it not be supposed, therefore, that he was a disinterested spectator, when, in violation of the Articles of Surrender, the trade of the Colony with Holland was cut off by the Government;² when the outrages of WILLIAM DYER, the Duke of York's Collector of Customs in this city, led to his seizure by the merchants, and his deposition from office by their authority;³ when the Duke's Receiver-General failed to obtain any revenue, and was prevented from enforcing the laws even before the Courts of the Colony.⁴

It is true, he took no *public* part in the revolutionary measures of that early period; but it is incredible that, when the mass of the Colonists, a few years later, considered the Colony and all that it contained were in extreme danger, they should have looked for protection to one who had taken no inter-

¹ Minutes of the Common Council of the City of New York, October 14th, 19th, and 20th, 1664, cited in DAWSON's *Sons of Liberty*, 14-16. List of Names of the Dutch who Swore Allegiance after the Surrender of New York, in *Colonial Documents*, iii., 76.

² Orders in Council, November 18, 1668.

³ "The Bill found against Captain WM. DYRE," and "The Proceedings against Mr. DYER, Collector of the Port of New York;" Letter from the Court of Assizes at New York to the Secretary of State, 1681. Mr. WM. DYER's Petition to the King.

⁴ Letter of Captain BROCKHOLES to Governor ANDROS, September 17, 1681.

est whatever in their welfare, who had not in some way identified himself with them in their opposition to the Government. Rather let it be supposed that, when the popular cry was raised, "*Tot Leisler! tot 'Leisler! tot het huys von Leisler!*"¹ and his leadership was *demand*ed by the excited and terror-stricken inhabitants of the city to oppose the expected on-flaught of the banished Royalists and their allies,² recourse was had to that authority which had been well tried, and which was considered most competent, most trustworthy, and most certain of success.

During the entire period of the administrations of Governors NICOLLS, LOVELACE, ANDROS, and DONGAN, as is well known, the Colonists were subjected to continued outrages—during the term of service of Governor DONGAN especially, as was admitted by one of his most intimate friends, "Severall "Irregularities had been committed"—and the cause for complaint was not diminished when Lieutenant-Governor NICHOLSON assumed the reins of government within the Colony. It need not be wondered at, therefore, that the great body of the Colonists in New York were steadily opposed to the Government; and especially that the Dutch therein were ready, at a moment's notice, to effect a change.

In the spring of 1689, when intelligence reached New York that the Prince of Orange had landed in

¹ C. F. HOFFMAN'S Administration of JACOB LEISLER (SPARKS'S *American Biography*, Second Series, iii., 197).

² Lieutenant-Governor LEISLER to the King, January 7, 1690. The same to Major GOLD, 1689, the 2d June, in New Yorke; DUNLAP'S *New York*, i., 153.

England, that JAMES had abandoned his throne, and that the Prince—one of their own countrymen, and a Protestant—had assumed the regal authority, the great body of the inhabitants of this city and vicinity arose in its might and drove the Jacobites from power;¹ seizing the fort and garrisoning it;² seizing the Governor's despatches,³ and compelling Lieutenant-Governor NICHOLSON and his handful of adherents to seek safety in flight.⁴

While this scene was being performed *within* the city, rumors were set afloat that the French were approaching by water to attack it from *without*; and the inhabitants, raised to the highest excitement by their internal political troubles, were led to suppose that external enemies—co-religionists and possibly allies of the Jacobites—were approaching to complete their destruction.⁵ They appear to have understood their danger; and they understood also, it appears, unto whom they could look for sympathy, for counsel, and for leadership.

STEPHEN VAN CORTLANDT, one of the leaders of the Jacobites, said "the people mett at JACOB

¹ Council of New York to the Earl of Shrewsbury, 1689, June 10; *Modest and Impartial Narrative of Several Grievances, &c.*

² STEPHEN VAN CORTLANDT to Governor ANDROS, N. Yorke, 1689, July 9; Colonel BAYARD's Narrative of Occurrences, &c.; Council of New York to the Earl of Shrewsbury, New York, 1689, June 10.

³ STEPHEN VAN CORTLANDT to Governor ANDROS, N. Yorke, 1689, July 9; Colonel BAYARD's Narrative of Occurrences, &c.; Certificate of FREDRYCK FLYPSEN and STEPHEN VAN CORTLANDT, December 13, 1689.

⁴ STEPHEN VAN CORTLANDT to Governor ANDROS, N. Yorke, 1689, July 9; Abstract of Colonel BAYARD's Journal.

⁵ STEPHEN VAN CORTLANDT to Governor ANDROS, N. Yorke, 1689, July 9; SMITH's History of New York, i., 81.

"LUYSLAER's door;" and thither he and FREDERIC PHILIPSEN proceeded, "and endeavoured to allay "them, but in vain." They would hear no words of peace from those of their own country who had proved recreant to the rights and the honor of the great body of the Colonists.¹

At the request of the inhabitants thus assembled before his own door, Captain LEISLER assumed the command of the fort;² and under the direction of a "Committee of Safety," composed of two delegates from each of the settlements of Brooklyn, Flatbush, Flushing, Newtown, Staten Island, Essex in New Jersey, Esopus, and Westchester, and the same number from this city, he administered the government of the Colony until March, 1691, when Colonel SLOUGHTER arrived in New York, and entered on his duties as Governor.³

Of the fidelity with which Captain LEISLER discharged the duties to which he had been called, or the undeviating loyalty with which he promoted the honor and the interests of the Prince of Orange, I need not speak; nor will time permit me to relate the remarkable combination of adverse elements, in many cases in opposition to each other in times past, which subsequently led to his arrest and execution on

¹ STEPHEN VAN CORTLANDT to Governor ANDROS, N. Yorke, 1689, July 9.

² FREDRYCK FLYPSEN and STEPHEN VAN CORTLANDT to Secretary BLATHWAYT, August 5, 1689; Commission from the Committee of Safety, June 8, 1689.

³ Commission from the Committee of Safety to the Commander-in-Chief, August 16, 1689; Memorial of what has occurred in Their Maties Province of New York.

charges of treason to the Sovereign whom he had served with so much devotion, to the confiscation of his estates, to the subsequent reversal of his attainder by the Parliament of Great Britain, or to the ultimate effect of his death on the popular cause in America.

Suffice it to say, that, after sentence had been pronounced on him, the united prayer of more than eighteen hundred persons was presented in writing to the Governor, by a Minister of the Gospel, urging a stay of his execution and his removal to England "to be judged by their Majesties"¹—an appeal which weighed as nothing against the secretly-exercised influence of the BAYARDS, the DE LANCEYS, the VAN CORTLANDTS, the LIVINGSTONS, the PHILIPSES, and a few others whose dignity had been offended;² while the honest pastor who had presented the petition was ruthlessly cast into prison, and "accused of being a rebel," for the patriotic part which he had taken in the matter.

The subsequent reversal of his sentence by the highest authority in the kingdom;³ the restoration of his estates to his desolate family; the disinterment

¹ Memoir and Relation of what occurred in the city of New York, by WILLIAM VAN BREEN, JOH: PROVOOST, and others, October 15, 1691.

² Memorial of Chief-Justice ATTWOOD, October 26, 1709; Minutes of the Board of Trade in the case of ROBERT LIVINGSTON, October 1, 1695; Earl of Bellomont to the Lords of Trade, June 22, 1698; Commander-in-Chief and Council to Committee of Trade, July 29, 1691; Address of the Merchants of New York, May 19, 1690.

³ Order in Council in case of LEISLER and MILBOURNE, March 11, 1691; Earl of Bellomont to the Lords of Trade, May 15, 1699.

of his mutilated body from the hole at the foot of the gallows, into which it had been ignominiously cast more than seven years before;¹ its reinterment with military honors in the burial-ground of the Reformed Dutch Church during a terrific storm, and yet amidst the sorrows of more than fifteen hundred sympathizing spectators;² the subsequent test-vote, eight years after his death, when, of the "freeholders and free-men" of this city, four hundred and fifty-five declared themselves Leislerians, while one hundred and seventy-seven were all who would avow their opposition to his sentiments;³ the steady progress of the popular power and the undeviating fidelity of the populace itself, within this city and neighborhood, to the great principles of republican government, while all else was conservative or monarchical,—all these bear witness to the integrity of Captain LEISLER as a man, to his loyalty as a subject, to his purity as a patriot.

Concerning this interesting and important portion of the Early Political History of New York, as such, little has been written, although much has been collected; and it is sincerely hoped that, at an early day, it will receive that careful attention from the patient and critical labors of some one or more of our associates which its importance demands.

Still nearer our own times, when the conflict between the MORRISES and the DE LANCEYS was at its

¹ Earl of Bellomont to the Lords of Trade, October 21, 1698; *Heads of Accusation* against the Earl of Bellomont, March 11, 1700.

² *Ibid.*

³ Earl of Bellomont to the Lords of Trade, April 27, 1699.

height, the rallying point of the masses of the opposition was the venerable RIP VAN DAM, at that time the recognized head of the Dutch in New York; and he it was who formed the chief support of JOHN PETER ZENGER, the popular printer of that day, during the tedious persecution for libel to which he was subjected by the Government.

The personal history of this noted printer—the second of the great political centres around which the mass of the Colonists in New York clustered in the earlier days of the Revolution—is not unworthy of notice by those who would know the earlier political history of this State.

A native of Germany, where he was born in 1697, he was deprived of his father at an early age; and when the French persecuted the Palatines with such severity that the heart of the Queen of Great Britain was touched with sympathy, she rescued many of them, furnished homes for them in New York and others of her colonies in America, and sent young ZENGER, with his widowed mother, his sister, and his young brother, to this city.¹ Strangers in a strange land, this unprotected family depended on the bounty of the Sovereign for support, in part, if not entirely; and on the twenty-sixth of October, 1710, the public authorities of the city, by the Hon. RIP VAN DAM and Doctor STAATS, apprenticed the eldest son, a lad of thirteen years, to WILLIAM BRADFORD, the public printer, to learn the art and mystery

¹ List of Palatines remaining at New York, 1710; Dr. E. B. O'CALLAGHAN, in note to *Colonial Documents*, vi., 80.

of that profession.¹ He served his master with fidelity during four years, passing through all the various grades within "the chapel" (in the phraseology of the printers); and when his time of service had expired, he was received into the business as a partner with his former master.² He subsequently embarked in business in this city on his own account; and on the eleventh of September, 1722, he was married, in the old Reformed Dutch Church in Garden Street—now Exchange Place—to ANNA CATHARINA MANLIN.³

In the autumn of 1733, he established the second newspaper in the Colony—"THE NEW YORK WEEKLY JOURNAL, containing the freshest advices, foreign and domestic"⁴—which very soon afterward became the acknowledged organ of the popular party in this city and vicinity. The active pens of Chief-Justice MORRIS, and JAMES ALEXANDER, and WILLIAM SMITH, Senior, were among those which furnished the "leaders" for this journal; and the weight of their blows crushed the harness of the Government, and established the freedom of the Press in the Colony.⁵

Under these circumstances, while the real offend-

¹ Names of the Palatine Children apprenticed by Governor HUNTER, 1710-1714.

² The imprint of "BRADFORD and ZENGER" on the title-page of "*KLAGTE van Eeinge Leeden der Nederduytsche Hervormde Kerk, woonende op Raretans, &c.*," a copy of which is in the Society's Library.

³ Record of Marriages in the Collegiate R. D. Church, New York City.

⁴ The file of the paper, in the Library of the Society; THOMAS'S History of Printing.

⁵ DAWSON'S Sons of Liberty, 36.

ers were protected by their mask, the weight of the official indignation fell on the printer; and his papers were ordered to be burned by the public executioner,¹ while he himself was arrested on a charge of libel, and committed to prison.²

The arbitrary erasure of the names of his counsel from the rolls of the Court;³ his able defence, by ANDREW HAMILTON, of Philadelphia;⁴ his triumphant acquittal by a jury of the Colony; the exultation of the great body of the Colonists, led by the Corporation of the City of New York;⁵ the effect of that acquittal on the freedom of the Colonial Press;⁶ and its ultimate consequences in the establishment of the Independence of the Colonies and of the political rights of mankind, have been heretofore set forth in your hearing by one of your associates, and I need not here recapitulate all the details.⁷

The important consequences resulting from the

¹ Minutes of the Provincial Council, November 2, 1734; SMITH'S History of New York, ii., 15.

² DUNLAP'S History of New York, i., 300; SMITH'S History of New York, ii., 17.

³ SMITH'S History of New York, ii., 19, 20; DUNLAP'S History of New York, i., 300.

⁴ Trial of JOHN PETER ZENGER (Edit. London, 1752); SMITH'S History of New York, ii., 21, 22.

⁵ Proceedings of the Common Council of the City of New York, quoted by Mr. DAWSON in *The Sons of Liberty in New York*, 36-38.

⁶ SMITH'S History of New York, ii., 23; DAWSON'S *Sons of Liberty*, 39.

⁷ The paper entitled "*The Sons of Liberty in New York*," read before the Society on the 3d of May, 1859, by Mr. HENRY B. DAWSON, of Morrisania, N. Y.

acquittal of JOHN PETER ZENGER, and its great influence on the Early Political History of New York, and on that of the United States, prompts me, however, to present a brief sketch of this remarkable Trial for Libel; and I do so the more willingly, because I have reason to believe that it will be acceptable to many of the members, whose pursuits prevent them from making the investigations requisite to a proper appreciation of some of the minute particulars which form the material portion of this noted case, and are among the characteristic features associated with this narrative, presenting an effect quite dramatic.

It is reported of the second of my predecessors in the Presidential chair—GOUVERNEUR MORRIS—that “instead of dating American liberty from the Stamp Act, he traced it to the persecution of PETER ZENGER, because that event revealed the philosophy of “freedom both of thought and speech, as an inborn “human right, so nobly set forth in MILTON’s Treas-
“tre on Unlicensed Printing.”¹

Mr. ZENGER issued the first number of his *Weekly Journal* on the fifth of November, 1733; and it immediately arrested the attention of the Colonial authorities by the appearance in its columns of a series of severe animadversions on the measures of the Government, as has been already stated.

In the following January, Chief-Justice DE LANCEY called the attention of the Grand Jury to the alleged Libel which it contained; but no Bill was

¹ TUCKERMAN’S “America and her Commentators,” 7, *note*.

found by that body. Again, in the latter part of October, the Chief-Justice renewed the attempt to arrest ZENGER's opposition; but once more the Jury refused to return a Bill.

On the seventeenth of October, 1734, the Council of the Province took the subject into consideration, the result of which was the appointment by that body of a Committee to confer with a similar Committee to be appointed by the Assembly, and "to examine and enquire into the said Papers, and "the Authors and Writers thereof."

In conformity with the request of the Council, the House appointed, on the same day, a Committee of Conference; and on the ensuing evening the Committees met and discussed the subject-matter which had been referred to them. The Conference closed with a formal request, in writing, on behalf of the Council, that the Assembly should concur with that body in declaring that Numbers 7, 47, 48, and 49 of ZENGER's Paper contained Libels on the Government, and should be burned by the common Hangman; that a reward should be offered for the discovery of the authors of the obnoxious articles; that an Order should be issued for the prosecution of the Printer; and that a similar Order should be issued to the Magistrates to exert themselves in the execution of their Offices, in order to preserve the public peace of the Colony. This request was reported to the Assembly; but, on the twenty-second of October, 1734, that body ordered the papers and request to be laid on the Table; and, a second time, the purposes of the Government were frustrated.

On the second of November following the Council issued an Order, without the concurrence of the Assembly, directing that the papers referred to be publicly burned by the common Hangman; and it ordered, also, "that the Mayor and Magistrates of this city do attend at the burning the several Papers or Journals aforesaid, numbered as above mentioned."

To this Order of the Council the Mayor and Magistrates, assembled in Quarter Sessions, responded by forbidding the entry of it on their Books—some of them threatening to enter their Protest against it should the entry be made on the Records.

Four days later, the Sheriff formally moved the Court to comply with the Order referred to, when a Protest was read with the approbation of all the Aldermen; but it was not entered, because that would demand the entry of the Order of the Council—a paper which the Magistrates would not recognize even to the extent of entering it on their Minutes. At the same time the public executioner, who was an officer of the Corporation, was not authorized to execute the Order; and the papers were burned by a negro-slave, the property of the Sheriff, in the presence of the Recorder, Mr. DUMBAR, and some of the officers of the garrison.

The Council also issued an Order to the Sheriff commanding him to arrest Mr. ZENGER for printing and publishing the several libellous papers to which reference has been made; and on Sunday, the seventeenth of November, he was arrested and committed to prison.

A Writ of Habeas Corpus was issued, in order to secure either his discharge or his liberation on Bail; and on the twentieth of November, when the Return was presented to the Court, Messrs. JAMES ALEXANDER and WILLIAM SMITH, Sr., excepted to it.

These exceptions were argued in the "presence of some hundreds of the Inhabitants," when the Prisoner's Counsel insisted that he might be admitted to reasonable Bail, citing *Magna Charta*, *The Petition of Right* (3 CAROLUS); *The Habeas Corpus Act* of 32 CAROLUS II.; 2 HAWKINS, Chap. 15, Sec. 5; *The Case of the Seven Bishops*, TEMP. JACOBUS II., in support of their motion. The Council for the Crown opposed with some warmth, which was resented by the audience; but an order was entered admitting him to Bail, himself in £400, and two sureties in £200 each, the prisoner to stand committed in the meanwhile.

At the term of January, 1735, the Grand Jury again refused to return a Bill against the Prisoner; but the Attorney-General immediately filed an Information against him, and on that he was arraigned.

The Prisoner's Counsel offered Exceptions to this Information, but not until the April Term of the Court could those Exceptions be perfected; and on the fifteenth of that month Exceptions were also offered to the commission of each of the Judges of the Court, because, FIRST, They were granted *during Pleasure of the Government* instead of *during good behaviour of the Judge*; SECOND, The extent of authority granted was greater than warranted by Law; THIRD, The form of the Commission was not warranted by the Com-

mon Law, or any Statute of England, or any Act of the Assembly of the Colony; and FOURTH, That the Commission was granted by Governor COSBY, without the Advice and Consent of the Council; and a motion was offered that these Exceptions should be filed. On the following day (April sixteenth), when the Prisoner's Counsel appeared to argue the Exceptions which had been filed on the preceding day, Chief-Justice DE LANCEY informed them "that the Court would "neither hear them nor allow the Exceptions; for," said he, "you thought to have gained a great deal of "applause and popularity by opposing this Court, "as you did the Court of Exchequer; but you have "brought it to this point, that either we must go "from the Bench or you from the Bar;" and an Order was made excluding them "from any farther "Practice in this Court, and that their names be "struck out of the Roll of Attornies of this Court."

Having thus disrobed the Prisoner's Counsel, the Court assigned JOHN CHAMBERS, Esq., to conduct the defence; but some of ZENGER's friends privately engaged the venerable ANDREW HAMILTON, of Philadelphia—one of the most able members of the Colonial Bar—to appear and defend the Prisoner before the Jury.

On the fourth of August, 1735, the Court assembled for the trial of the Prisoner; and the most intense interest prevailed throughout the city.

The Attorney-General opened the Information with a few remarks on the subject of Libels, and their mischievous effects; and he was followed by Mr. CHAMBERS, who set forth the character of a

Libel; the great allowance which ought to be made for what men speak or write; the necessity that some particular person should be pointed out in the matter complained of; and his confidence that the Attorney-General would fail in his proof to establish the latter point.

When Mr. CHAMBERS had concluded, Mr. HAMILTON arose and informed the Court of his retainer to assist in the defence of the Prisoner; and at the same time he admitted the publication of the alleged libel by the Prisoner, and maintained his right to do so.

The witnesses who had been summoned by the Crown to prove the publication were immediately discharged; and the Attorney-General assumed that a Verdict must be given for the King, of course; "for, supposing the obnoxious articles were true, the Law says that they are not the less libellous for that; nay, indeed, the Law says their being true is an aggravation of the Crime."

To this Mr. HAMILTON objected, insisting that the words complained of "must be libellous—that is, *false, scandalous, and seditious*, or else the Prisoner "was not guilty."

The Attorney-General proceeded to argue for the Crown, on the reverence which was due to the Government; that, inasmuch as it protected Life, Religion, and Property, care should be taken to protect it from scandal; and that Libels on the Government had often been punished; in support of which he cited 5 COKE, 125; WOOD'S *Institutes*, 430; 2 LILLY, 168; 1 HAWKINS, 73, 11, 6. He insisted that the

Libel was a malicious defamation of another, for which, in every case, punishment is due, but especially so if the Government is the object; that it is the same whether the matter is true or false; that it was equally so by the Law of GOD, in support of which he cited *Acts* xxiii. 5, 2 *Peter* ii. 10; that the Prisoner had scandalized the Governor of the Colony, as well as the Council and the Assembly, and that it was necessary to punish him.

Mr. CHAMBERS followed in behalf of the Prisoner, observing "with great strength of Reason, on Mr. ATTORNEY's Defect of proof that the Papers in the Information were *false, malicious, or seditious*, which was incumbent on him to prove to the Jury, and without which they could not on their oath say that *they were so, as charged.*"

The Defence closed with an elaborate and powerful argument by Mr. HAMILTON, in which he controverted, with great ability, the points taken for the Crown—denying "that the just complaints of a number of men who suffer under a bad ADMINISTRATION is libelling that ADMINISTRATION;" that the decisions of "*that terrible Court*" which the Attorney-General had cited were Precedents to them; and that the Governor was "vested with all the prerogatives belonging to the sacred person of his Prince," as had been maintained. He denied that decisions concerning Libels against the King were applicable to offences against the Governor of New York; and that the Laws of England were not necessarily applicable to the cases of the Colonists in America. He insisted that a

Libel is such only when the words are *scandalous, seditious, false, and tending to disquiet the People*; and he offered to admit the charge, if the Attorney-General would prove the words complained of were *false*—he even offered to prove that they were *true*, which the Chief-Justice would not allow him to do. He insisted on his right to submit the Truth in evidence upon an Information for Libel; and he contended with the Chief-Justice on the question of the origin of that proceeding—maintaining that “it was “a child, if not born, yet nursed up and brought to “full maturity in the Court of Star Chamber.”

He maintained that “the *Falseness* makes the “*Scandal*, and both make the Libel;” and he inquired, “How shall it be known whether the words “are *Libellous*—that is, *true* or *false*, by admitting “proof of their truth—since the Attorney-General “would not undertake to prove them *false*?”

The Court refused to receive testimony on this point; when Mr. HAMILTON turned to the Jury, and *appealed to it as witnesses of the truth of the facts which he had offered to prove, and been denied the liberty to do so.*

This startling manœuvre appears to have alarmed the Court; and the Attorney-General and the Chief-Justice insisted that the Jury might find that ZENGER had published the obnoxious words, and leave the question of their character—whether they were or were not libellous—for the decision of the Court; but Mr. HAMILTON replied that the Jury might also *do otherwise*, as it possessed the right to determine on both the Law and the Fact.

At great length, in the same spirit, Mr. HAMILTON argued for the Prisoner; and at the conclusion of his remarks the Chief-Justice charged the Jury "that, as the Facts or Words in the Information are confessed, the only thing that could come in question was, whether the Words as set forth in the Information make a Libel; and that," he remarked, "was a matter of Law, no doubt, and which it might leave to the Court," reading at the same time, for the instruction of the Jurors, the opinion of Chief-Justice HOLT in the case of TUTCHIN.

This celebrated case, which occurred in the year 1704, and in which the great legal abilities of Chief-Justice HOLT were displayed, is so little known, and the work which contains it¹ is so generally inaccessible, that I cannot forbear the citation, for your consideration, of that portion of the Judge's charge which bears on the case of ZENGER.

The learned Chief-Justice, after referring to the publication entitled "*The Observer*," addressed the Jury as follows :

"So that, now you have heard this evidence, you are to consider whether you are satisfied that Mr. TUTCHIN is guilty of writing, composing, and publishing these libels. They say they are innocent papers, and no libels; and they say nothing is a libel but what reflects upon some particular person. But this is a very strange doctrine, to say it is not a libel reflecting on the Government, endeavoring to possess the people that the Government is mal-

¹ HOWELL'S State Trials, xiv., 1095.

“administered by corrupt persons that are employed
“in such or such stations, either in the navy or army.

“To say that corrupt officers are appointed to
“administer affairs, is certainly a reflection on the
“Government. If people should not be called to
“account for possessing the people with an ill opinion
“of the Government, no Government can subsist.
“For it is very necessary for all Governments that
“the people should have a good opinion of it. And
“nothing can be worse to any Government, than to
“endeavor to procure animosities as to the man-
“agement of it; this has been always looked upon
“as a crime, and no Government can be safe without
“it be punished.

“Now you are to consider, whether these words
“I have read to you do not tend to beget an ill
“opinion of the administration of the Government.
“To tell us, that those that are employed know
“nothing of the matter, and those that do know are
“not employed. Men are not adapted to offices,
“but offices to men, out of a particular regard to
“their interests, and not to their fitness for the place;
“this is the purport of these papers.

“Now they, on his behalf, insist on these things:
“First, they say you do not prove any crime in
“London. Indeed, it is not proved that he writ
“them in London; but the question is, whether
“there is not proof of the composing and publica-
“tion in London? There is proof that they were
“sent to Mr. How in order to print them in Lon-
“don. Now, whether he received them from him in
“London or no (but suppose out of London), yet

“if he received them to print them in London, that
“is a publication in London. If they scruple that
“matter, it should be specially found. If they were
“delivered to be printed at London, I must leave it
“to your consideration whether you will not find him
“guilty of publishing them in London. They were
“some of them printed in Fenchurch Street, and
“others in Gracechurch Street. He knew where the
“printer lived; the contract was made, and he was
“paid for them.

“Gentlemen, I must leave it to you: if you are
“satisfied that he is guilty of composing and publish-
“ing these papers at London, you are to find him
“guilty.”

Chief-Justice DE LANCEY, having submitted to
the Jury this opinion of one of the most learned of
England’s Judges, as declaratory of the law applica-
ble to this “Information,” they thereupon retired.

The Jury were absent only “a small time,” and,
on returning into Court, rendered a verdict of “*Not*
“*Guilty*,” amidst the huzzas of the assembled People.¹
This triumph of Right, of Justice, and of Freedom,
was one of those elementary causes

“Which in their
Seeds, and weak beginnings, lie intreasured.
Such things become the hatch and brood of time.”

The key-note of this victory enkindled in the
popular heart and mind aspirations which found a
louder tone in the next generation, when incipient

measures "looking to Independence" were first broached in this city; a tone which, in 1776, swelled into ever-memorable grandeur on the day that "The Unanimous Declaration of the Thirteen United States of America," in Congress assembled, was solemnly published. Then it was that

"— Freedom, from her mountain height,
Unfurl'd her standard to the air;
She tore the azure robe of night,
And set the stars of glory there!"

* * * * *

"Forever float that standard sheet!
Where breathes the foe but falls before us?
With Freedom's soil beneath our feet,
And Freedom's banner floating o'er us!"¹

A few months after the termination of the persecution of JOHN PETER ZENGER, and his restoration to his business and his family, the Colony was startled by the death of Governor COSBY, and by the rival claims of RIP VAN DAM and GEORGE CLARKE to the right of succession in the Government—the narrative of which has necessarily arrested the attention of students of the Early Political History of New York.

I hope I may be excused for presenting, at this time and place, the following brief sketch of the life and character of Mr. VAN DAM, the venerable and influential leader of the popular party within the Colony; as the Paper heretofore read by me before the Society on the subject was designed as introduc-

¹ "The American Flag," by DRAKE (the closing verse by HALLECK).

tory to, rather than as a memoir of, this distinguished man, and of the times of which I am now speaking.

A member of a widely-known and influential family at Albany, where he was born,¹ probably while that city was yet a dependency of the Dutch, R^{IP} V^{AN} D^{AM} appears to have fought his fortune in the city of New York at an early age. On the fourteenth of September, 1684, he was married, in the Reformed Dutch Church in this city, to SARA V^{AN}-D^{ERS}P^{EIGLE}, the daughter of a wealthy baker;² and the occasion has been noticed as one of the notable events of that period.³ Of this marriage, seven children were born—MARIA, SARA, NICHOLAES, MARIA, CATHARINE, R^{IP}, and MARGARETTA⁴—five of whom are said to have survived him.

He appears to have been engaged in trade at an early day; and it is said that he not unfrequently commanded in person his good sloop *Catharine*, in her trips to the West Indies.⁵

In his youth, in common with other members of his family at Albany, he was decidedly conservative in his political sentiments;⁶ but while the Earl of Bellomont was Governor, with Colonel BAYARD and several other prominent Anti-Leislerians, he joined

¹ Record of Marriages, Collegiate R. D. Church, New York.

² Ibid.

³ VALENTINE'S Manual, 1862, 774, 775.

⁴ Record of Baptisms, Collegiate R. D. Church, New York.

⁵ Dr. E. B. O'CALLAGHAN, in *Colonial Documents of New York*, vi., 158, note.

⁶ He was the candidate of the Anti-Leislerian party for the office of Alderman, in 1699. (*Earl of Bellomont to the Lords of Trade*, April 27, 1699.) Dr. E. B. O'CALLAGHAN, as above.

the opposition, and thenceforth was one of the leaders of the popular party.¹

In the spring of 1699, the Leislerian party in the city of New York contended with the Government for the control of the municipality; and it polled four hundred and fifty-five votes against one hundred and seventy-seven for its opponents.²

The Earl of Bellomont, in one of his despatches to the Lords of Trade, referred slightly to the successful candidates in these words: "And the rest of the faction as an artifice to draw all the English to vote for their friends, call'd themselves the English party, but what is observable and very ridiculous besides is, that three of the four Candidates they set up were as meer Dutch as any are in this town. Alderman WENHAM was the only Englishman of 'em, the other three were JOHANNES VAN KIPP, RIP VAN DAM, and JACOBUS VAN COURTLAND; the names speak Dutch, and the men scarce speak English."

In this connection it will not be irrelevant, I trust, to contrast the following incidents with the above official comment concerning Mr. VAN DAM's nationality and that of his two friends, and their alleged incapacity to discharge their public duties, from inability to "speak English" correctly.

While it is very evident from the despatch in question, that his Lordship had not drunk very deeply at the well of "pure English undefiled," not-

¹ Dr. E. B. O'CALLAGHAN, as above.

² The Earl of Bellomont to the Lords of Trade, April 27, 1699.

withstanding his apparent fondness for criticism, it may be well to refer to the experience, on a similar subject, of HUGH, the fourth Earl of Marchmont, a distinguished Scotch peer, who was born in 1708 and died in 1794—the friend and executor of POPE.

BOSWELL, in his “Life of JOHNSON,” tells us that he had recommended to his countrymen to imitate the pronunciation of the Earl, which was so perfect as to conceal his Scottish accent. The Earl, however, furnishes this “comment” on *his* speech, as recorded by himself:

He had called at a shop in London, where he was not known. In the course of their conversation, the shopkeeper said to him: “I suppose, Sir, you “are an American.” “Why so?” asked his Lordship. “Because, Sir,” replied the master of the shop, “you speak neither English nor Scotch, but something different from both; which, I conclude, is “the language of America.”¹

Even EDMUND BURKE, the scholar and statesman—one of the most eloquent men of his time—is said to have “retained to the last more of the Irish accent “than was agreeable to less indulgent ears,” even of those who listened to his impassioned speeches in Parliament, or who, in the social circle, were delighted with his conversational powers and the exuberant flow of his “wit and wisdom.”²

It is also recorded that Doctor JOHNSON, while engaged in the compilation of his *Dictionary*, was

¹ BOSWELL'S Life of JOHNSON, iii., 190.

² Ibid., 189, note.

told by the celebrated Lord CHESTERFIELD, who was of *Irish* descent, that the word *great* should be pronounced so as to rhyme with *state*; while Sir WILLIAM YONGE (Sir ROBERT WALPOLE's Secretary at War) insisted that it should rhyme with *seat*, and remarked "that none but an Irishman would pronounce it *grait*."¹

Now, here were two men of the highest rank, the one the best Speaker of the House of Lords, the other the best Speaker of the House of Commons, differing entirely in the proper pronunciation of one of the most simple words in our language.

Under the circumstances, the sagacious and upright VAN DAM might reasonably have been spared the official contumely of his political opponents, because of his imperfect pronunciation of the English language; and his Lordship might also have spared his party from the censure which justly followed an invidious prejudice against these public-spirited individuals, whose sole offence was their personal influence with their fellow-citizens.

Whether as a conservative or as a member of the opposition, Mr. VAN DAM never lost sight of his duty as a citizen, and he was constantly alive to the best interests of the city and the Province.

Thus, in March, 1700, he united with NICHOLAS BAYARD, ROBERT WATTS, ELIE BOUDINOTE, STEPHEN DE LANCEY, J. VAN COURTLAND, BARENT SCHUYLER, JOSEPH BILLOP, ADOLPHUS PHILLIPSEN, and others, "Merchants of New York in America,"

¹ BOSWELL's Life of JOHNSON, iii., 191.

in praying the King to separate the Government of New England from that of New York, in consequence of the "many and great inconveniences "which dayly happened," to the detriment of trade, the retarding of justice, and the discouragement of industry in every portion of the Province.¹ In December, 1701, he united with the Protestants of this Province in petitioning the King for a redress of grievances to which they had been subjected by the Provincial Government;² and in February, 1711, with all the leading Merchants of the city, he prayed for the issue of orders restraining the employment of men-of-war in the carrying trade between the Colonies and the West Indies—a practice which had proved injurious to the business of those who were engaged in that trade.³

It is said, also, that Mr. VAN DAM was engaged with JAMES MILLS in the business of shipbuilding; and that their shipyard was on the North River, in front of Trinity Church⁴—the front of which, at that day, was at its western extremity. It is not known, however, to what extent this branch of his business was carried.

On the arrival of Lord CORNBURY, in 1702, he found the Province in the greatest disorder, in conse-

¹ Petition of sundry Merchants of New York to the King, March, 1700.

² Petition of the Protestants of New York to the King, December 30, 1701.

³ Petition of several Merchants of New York to the Queen, February 20, 1711.

⁴ Dr. E. B. O'CALLAGHAN, in *Colonial Documents of New York*, vi., 158, note.

quence of the strong partisan feelings in which the Colonists had indulged, and the violent measures to which the leaders of the several parties had resorted either to secure or to maintain the political supremacy.¹ The opposition, or popular party, among whom VAN DAM was prominent, secured the victory; and in June, 1702, the Governor suspended from office, as members of the Council, Chief-Justice ATWOOD, Collector WEAVER, Colonel ABRAHAM DE PEYSTER, and others; and appointed Mr. VAN DAM and his friends to the vacant seats²—a change which was approved by the Queen in Council, on the twenty-first of January, 1703.³

Mr. VAN DAM continued to occupy a seat in the Council of the Province until the first of July, 1731, when, in consequence of the death of Governor MONTGOMERIE, as senior Councillor, he became President of that body, and *ex officio* Acting Governor of the Province.⁴

The public service requiring a provision for the support of the military post at Oswego, and for the defence of Albany, President VAN DAM called the Assembly together, in August, 1731;⁵ when various

¹ Lord CORNBURY to the Lords of Trade, May 3 and 18, and June 16, 1702.

² Lord CORNBURY to the Lords of Trade, June 16, 1702; Minutes of the Queen in Council, January 21, 1703.

³ Minutes of the Queen in Council, January 21, 1703.

⁴ President VAN DAM to the Lords of Trade, July 1 and September 11, 1731; SMITH'S History of New York, i., 245.

⁵ Journals of the Assembly; President VAN DAM to the Duke of Newcastle, September 11, 1731. The same to the Lords of Trade, September 11 and November 2, 1731.

measures besides those referred to were acted on and approved by him.¹

During his administration of the Government of the Colony, President VAN DAM resisted the attempts which were made to establish Courts of Chancery within the Colony, as Governor MONTGOMERIE had resisted them; and, like that officer, he steadily refused to take the oath of office as Chancellor, notwithstanding its evil effect on the revenue of the Colony and the positive Instructions of the Home Government to the contrary.² As no other Court possessed authority to compel the payment of quit-rents, or to adjudicate contested titles, it will be seen that this omission on the part of President VAN DAM to carry out the Instructions of the Ministry was at once a serious blow to the authority and the interests of the Crown within the Colony; and it was evidently a measure which required the greatest boldness in its conception and the most unbending decision of character in its execution.

On the first of August, 1732, President VAN DAM was superseded by Governor COSBY;³ and immediately afterward all the bitterness of feeling which had remained dormant during several years, broke out with redoubled fury. Governor COSBY appears to have thrown himself entirely into the hands of those who had been in the minority during the pre-

¹ President VAN DAM to the Lords of Trade, November 2, 1731, with list of the Acts referred to.

² Lords of Trade to President VAN DAM, February 4, 1732.

³ Lords of Trade to President VAN DAM, February 4, 1732; SMITH'S *History of New York*, i., 248.

ceding administration; and the Colony was speedily the scene of the greatest excitement.

The Governor, among other extraordinary measures, demanded one half the fees which President VAN DAM had collected during his administration of the Government; and for its recovery he instituted a suit, by way of Information, in the Equity side of the Exchequer. Mr. VAN DAM contested the claim; and as the Court itself was divided, party-wise, on the question, this measure served to increase rather than to allay the popular excitement.¹ The subject was subsequently dropped by the Governor, and Mr. VAN DAM retained the entire amount of the fees which he had collected; while the proceedings of COSBY, it is said, "gave general disgust."

In the latter part of the year 1733, Mr. VAN DAM presented charges to the Home Government against Governor COSBY;² and thenceforth the former became the recognized head of the popular party in the Colony, and one of the principal supporters of JOHN PETER ZENGER, in his violent opposition to the Government. So determined, indeed, was the opposition of the venerable VAN DAM and that of his friends, that the Governor asked permission to remove him from the Provincial Council;³ and a majority of that body, seeking to expedite the move-

¹ Governor COSBY to the Duke of Newcastle, May 3, 1733; SMITH'S History of New York, ii., 4-6.

² Heads of Articles of Complaint to be exhibited, &c., December 17, 1733.

³ Governor COSBY to the Lords of Trade, June 19 and December 6 and 7, 1734.

ment, refused to sit with him at the Board.¹ In August, 1735, the Lords of Trade advised Queen CAROLINE ("Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within the same"), to remove him from office, agreeably to the Governor's request;² but the advice does not appear to have been noticed by Her Majesty, and Mr. VAN DAM was not disturbed.

In January, 1736, the first fruits of Mr. VAN DAM's charges against the Governor were seen, in an order of the Privy Council which forbade the latter from occupying a seat in the Legislative Council of the Province³—an abuse of his power which had formed the fifth and sixth Articles of the charges which had been presented to the Home Government against the Governor.⁴ This order, so important in its bearings on the party organizations in New York, and so encouraging to the popular party in its struggle against the measures of the Provincial Government, by a singular fatality was not productive of the benefits which had been anticipated from it. Governor COSBY did not live to receive the Order; and when it reached New York, other and more exciting subjects were occupying the attention of the Colonists.

Governor COSBY departed this life on the tenth

¹ Governor COSBY to the Lords of Trade, June 19, 1734, and June 10, 1735.

² Lords of Trade to Queen CAROLINE, August 28, 1735.

³ Secretary POPPLE to Governor COSBY, January 23, 1736.

⁴ Heads of Articles of Complaint to be exhibited, &c., December 17, 1733. Articles 5 and 6.

of March, 1736;¹ when Mr. VAN DAM, as Senior Councillor, prepared to assume the authority, as he had done on the death of Governor MONTGOMERIE. His call for the Commission, the Provincial Seal, &c., was met by the remarkable information that, in December, 1735, Governor COSBY had suspended him from office—as Chief-Justice ATWOOD and his associates had been suspended by Lord CORNBURY, to make room in the same body for him and his associates, more than thirty years before²—and that, in consequence of that suspension, private as it was, and unnotified as were the venerable Councillor and his friends, he possessed no legal right to the Government; and that the authority belonged legally to GEORGE CLARKE.³

Of the political and personal intrigue by means of which the popular leader was thus prevented from exercising, a second time, the supreme executive authority in the Colony, I cannot now speak; nor will the time allow me to do more than allude to the important part which Mrs. COSBY—who was a bold and intelligent politician in her day—is said to have acted in this very interesting drama.⁴

That “circumstances alter cases” is a maxim which is recognized in every walk of life and by all classes, needs no evidence; and as Mr. VAN DAM and his party were human, and possessed the weakness

¹ President CLARKE to the Lords of Trade, March 16, 1736.

² Lord CORNBURY to the Lords of Trade, June 16, 1702.

³ President CLARKE to the Lords of Trade, March 16, 1736. The same to HORACE WALPOLE, on the same day.

⁴ MORRIS to WAGER. May 10, Oct. 12, 1739. N. J. Hist. Coll. iv. 44, 67.

which is an incident to humanity, it need not be wondered at that he and his associates resisted the measures which were adopted by Mr. CLARKE and his friends. When Chief-Justice ATWOOD and his friends were suspended from authority, in May, 1702, Mr. VAN DAM and his party did not appear to consider that act as an usurpation of authority; and, without waiting for the confirmation of that suspension by the Queen in Council, he and they took their seats at the Board;¹ yet, when the same treatment was subsequently served out to them, he and they resisted and denounced it as an usurpation.

Refusing to recognize as legal the suspension of himself from office, Mr. VAN DAM protested against the assumption of authority by GEORGE CLARKE; and he served copies of this Protest on the members of the Assembly. The latter had assembled for the discharge of their official duties, when Mr. MORRIS read an "Address to the Members;" and then, in company with the members of his own party—all of whom were also Mr. VAN DAM's political friends—he retired from the Chamber. As the opposition was in the majority, those who remained numbered less than a quorum; and they were adjourned by the

¹ The Governor removed the Chief-Justice and his friends from their offices as Councillors in May, 1702, and their successors—Messrs. VAN DAM and others—took their seats in the Board on the twentieth of October following—the first meeting of that body after their appointment to it; while it was not until the twenty-first of January, 1703, that the Queen in Council confirmed either the removal of the one party or the appointment of the other.

Acting Governor without having been called to order by the Speaker.¹

In September following, when the Assembly was again convened by the Acting Governor, the same question arose before the House was organized; and again the Government was compelled to prorogue the House, much to the discredit of the Governor, before the members were called to order by the Speaker.²

During the same month (September, 1736) the diffension appeared to threaten the most serious consequences, because each of the two rival Governments—CLARKE's and VAN DAM's—proceeded, in due form, to appoint, as was the duty of the Governor of the Province, the officers of the Corporation of the City of New York for the ensuing year—CLARKE reappointing those of the former year; VAN DAM preferring some of the members of his own party.

As some time elapsed between the date of the appointment to office and that of the official inauguration of the appointees, during that period at least, a new element of discord was introduced, and additional incentives to violence were employed.³

While this twofold strife was fiercely raging, on the twelfth of October, 1736, the members of the

¹ President CLARKE to the Lords of Trade, May 3, 1736; The same to the Duke of Newcastle, same date; ADOLPHE PHILIPSE (Speaker of the House) to President CLARKE, April 29, 1736.

² President CLARKE to the Duke of Newcastle, September 18, 1736; The same to the Lords of Trade, September 20, 1736.

³ President CLARKE to the Lords of Trade, October 7 and 18, 1736; Minutes of Appointments, dated September 29, 1736, signed "RIP VAN DAM."

Assembly again met for the discharge of their official duties; but before an organization could be effected, they resumed the informal discussion of Mr. VAN DAM's suspension and the legitimacy of Acting Governor CLARKE's administration. This discussion was continued with great bitterness of feeling until the afternoon; when, without any organization, the Assembly was prorogued until the following day.¹

Thus tossed between the two—the Assembly and the Corporation of the city—and inflamed by both, as each became at the moment most conspicuous, the Colonists were excited as few other communities have ever been.² Fortunately for both parties; fortunately for the city and the Province; fortunately, it may be, for the cause of republican principles, at an early hour on the thirteenth of October an additional Instruction from the Queen concerning the form of Prayer to be used for the Royal Family was received by CLARKE—a circumstance which appears to have been received by *all* parties as incontrovertible evidence that the administration of Mr. CLARKE had been recognized by the Home Government; and universal quiet was immediately restored.³

On the twenty-ninth of October, still further evidence of the decision by the Ministry was received by CLARKE; and thenceforth the peace of the Colony on the prevailing questions was fully restored.⁴

¹ President CLARKE to the Duke of Newcastle, October 14, 1736.

² President CLARKE to the Lords of Trade, October 18, 1736.

³ President CLARKE to the Duke of Newcastle, October 14, 1736; The same to the Lords of Trade, October 18, 1736.

⁴ Lieut.-Gov. CLARKE to the Duke of Newcastle, November 23, 1736.

The extreme old age of Mr. VAN DAM, it appears, thenceforth prevented him from participating personally in the political affairs of the Colony; although his influence was doubtless felt in all the measures of the Opposition, until the day of his death, which occurred on the tenth of June, 1749.¹

The restricted character, in point of time, of an Address like the present, compels me to sketch rapidly the more marked features which my subject prominently presents. It necessarily follows, that many past and important incidents were rather glanced at than adequately described. The Leislerian agitation, and the brief but eventful administration of the Earl of Bellomont, are instances in illustration of this.

In regard to the latter, I have deferred the introduction of that which follows in order to avoid breaking in upon the regular details connected with the career of President VAN DAM. I now therefore revert to a few incidents connected with the late Earl of Bellomont's administration. He landed in New York on the second day of April, 1696, and died in this city on the fifth day of March, 1701. He lived to see the dawn of the century in the last quarter of which the English domination, like that of the Dutch which it had supplanted, ceased to exist. The union of the sister Colonies, by their own act and brave

¹ "Saturday last departed this Life, in a very advanced Age, and was "Yesterday decently interred, the Honorable R^{IP} VAN DAM, Esq.; formerly one of the Gentlemen of His Majesty's Council for this Province "for many Years, and some time President of that Board."—*New York Gazette*, revived in the *Weekly Post-Boy* (PARKER'S), No. 334, [Monday] June 12, 1749.

determination, was to convert them into free and independent Peoples. The course of events was pregnant with consequences prefigured in these suggestive lines of the great dramatist :

“ There is a history in all men’s lives,
Figuring the nature of the time deceas’d ;
The which observ’d, a man may prophesy,
With a near aim, of the main chance of things
As yet not come to life.”

In little more than half a century the comparatively “weak beginnings,” the “seeds intreasured,” fostered by the events of the seventeenth century, had rapidly sprouted, flourished, and a republic then came “to life.”

BELLOMONT was an Irish Peer, a lineal descendant of the Sir CHARLES COOTE, a soldier of fortune trained in the wars of ELIZABETH, who was distinguished by his ferocity in Ireland in the reign of CHARLES I.¹ His aristocratic antecedents, the distinction which he gained as a member of the English House of Commons, and his early espousal of the interests of the Prince of Orange, had recommended him to the favorable notice of WILLIAM III., who appointed him Governor of New York and Massachusetts.

By Lord MACAULAY he is represented to have been “a man of eminently fair character, upright, courageous, and independent. Before BELLOMONT sailed for America, WILLIAM spoke strongly to him

¹ STRYKER’S American Quarterly Register, i., 434

"about the freebooting, which was the disgrace of the Colonies, and added: 'I send you, my Lord, to New York, because an honest and intrepid man is wanted to put these abuses down, and because I believe you to be such a man.'"¹

The course the Governor took, the objects he accomplished, the controversies his administration occasioned, and the results of his measures, time will not now permit me to discuss. The subject has been in a measure generally treated in your presence; and it is one which, in all its bearings, requires a more critical and thorough examination than it has yet received.

In the official Dispatch in which the Earl introduced the names of VAN DAM, VAN COURTLAND, and VAN KIPP, and characterized them as "meer Dutch" who "scarce speak English," his Lordship presents us with an example in himself of disregard of the advice which in the very next sentence he thus communicated to the Lords of Trade: "I discourage all I can these distinctions of Dutch and English which is set on foot by the factious people of this town." The admission is here unceremoniously made, either that he was an example of this alleged prejudice, or one of these "factious people."

But the contrariety between this advice and this disregard of its precepts is probably attributable to the aristocratic tendencies which placed the Governor unavoidably in situations at variance with popular impulses, the tendency of which was becoming more

¹ MACAULAY's History of England, v., 204.

and more observable, as the current of popular hopes and anticipations flowed on with greater volume and rapidity. These hopes were quickened when the loud huzzas announced the triumph of JOHN PETER ZENGER; and these anticipations looked to greater political successes, when the love of freedom thereafter animated the "Sons of Liberty."

It is not within the compass of this Address to analyze the views or criticize the measures entertained by Bellomont in order to support the alleged influence upon him or his order of a political or inheritable bias—the one ordinarily associated with the other. Opinions but repeat themselves, under similar circumstances and with similar affinities. Popular developments deemed politically subversive of aristocratic influences, have engendered, at all times, secret or avowed opposition to the popular will, or, as in this country, to the sovereignty of the People. The existing traitorous attempt upon the national life of the American Republic is an exemplification of these causes and effects, brought before our own eyes and apparent to every true lover and well-affected citizen of our country.

This prejudice of his Lordship seems largely to be participated in by a nobility in our day, consequent upon the presumed success of our Republican institutions, which had their rise in the times of which I am now speaking; who, judging from existing circumstances, consider the dismemberment of the United States the security of England, and the overthrow of our Institutions the preservation of their own.

Before leaving this interesting era of our early Colonial history, I will briefly call your attention to a single incident stated at the close of the above-mentioned Dispatch. It refers to an attempt on the part of the Earl of Bellomont to procure the passage by the Assembly of "A Bill to enforce the building of Publick Workhouses, to employ the poor, and also vagabonds." This, it appears, was offered to that Body, pursuant to an "instruction from His Majesty;" but his Lordship declares that the Assembly *smiled at it*, "because indeed there is no such thing as a beggar in this town or country." He further corroborates this by expressing his own belief that "there is not a richer populace anywhere in the King's Dominions than is in this town."

This interesting fact has reference to the spring of 1699. There is no record of the population of the city in that year of which I am aware. In 1696 it amounted to four thousand three hundred and two;¹ and it is interesting to state, in contrast with this fact, that at the close of 1864 it is estimated to have exceeded a million.² During this century and a half the increase of pauperism kept pace with that of the population; and the number of paupers supported by the city authorities, at the close of the year 1864, is stated to amount, in the aggregate, to fifty-six thousand two hundred and twenty-five,³ who were

¹ VALENTINE'S *Manual* for 1862, p. 405.

² Official communication to me from the City Inspector's Department.

³ Official statement obligingly furnished me by the Commissioners of Public Charities and Correction.

maintained at the expenditure, derived from city taxes, of six hundred and sixty thousand dollars.⁴

It will be borne in mind that this large expenditure is applied exclusively to the destitute poor, sick, and "vagabond" classes, provided for by the City "Department of Charities and Correction." Besides all these, great numbers of both sexes and of every age, who are of the "poor among us," receive shelter, food, and raiment, oftentimes with religious teaching and educational training, in institutions founded by charitable donors, or supported from year to year by voluntary contributors, with occasional aid liberally bestowed by municipal and legislative bodies.

These are the growth of Christianity! The *ÆNIA* of the Greeks and the *HOSPITIUM* of the Romans were of a distinct character. These were designed by private benevolence with "hospitable intent" for individual wayfarers and guests. Man, among these ancient nations, was politically considered as the offspring of the State; and in his civil and military relation to it, bound to minister to its support. The "Poorhouses," the "Workhouses," the "Asylums," and the "Hospitals" of modern times have their foundation resting upon the sympathy and liberality of "him that hath" toward "him who hath not." The blessings dispensed in these shelters for the needy, the sick, the wretched, and the outcast, have their origin in that pure and undefiled Religion, which rises far above all political associations, and inculcates those two cardinal principles which Chris-

⁴ Comptroller's Office, City of New York.

tianity primarily proclaimed, "Love to God and to "one's neighbor;" imperishable in their injunctions as the duties which they inculcate.

From this interruption of the prominent events to which your attention was chiefly invited—from a brief record suggestive of the political, commercial, and social relations indicative of the metropolitan reputation of New York, as well as of the cosmopolitan character of this great mart of America—I turn to resume the main thread of this Address.

During the forty years which intervened between the establishment of President CLARKE's claim to the Government of the Province and the formal Declaration of American Independence, the contest of parties, led, respectively, by the DE LANCEYS and DE PEYSTERS on the one hand, and the LIVINGSTONS and MORRISES on the other, rendered the Political History of Revolutionary New York not less interesting than the period which had preceded it; and not less important to the student of Political Philosophy.

With perfect Freedom of the Press; with a Judiciary holding its office only "during good behavior;" with a fearless body of men, each of whom was an intellectual Giant, vigilantly guarding the political rights which she then possessed, and boldly seizing every passing opportunity to increase the list, New York may with the greatest justice refer to that as the *golden era* of her Political History.

It was during this period that the much-dreaded "SONS OF LIBERTY" sprang into being in this city, and not only "organized the Province" for a sev-

tematic opposition to the Government, but, by opening and carrying on a correspondence on the great political questions of the day with similar bodies in distant places, they also "promoted a Confederacy."¹ It was in the earlier years of this period, also, while Mr. VAN DAM was yet alive, that the proposition of his rival, Lieutenant-Governor CLARKE, to "establish, by act of Parliament, duties upon stamp-papers and parchments in all the British and American Colonys," was condemned by the Royal Governor of New York as "dangerous in its consequences to His Majesty's interest," as it was subsequently proved to be in the same Colony when the experiment was tried.² It was during this era that the Assembly of the Province steadily resisted and as steadily repelled every attempt by the Colonial Council to interfere with the provisions of money-bills, whether they referred to the raising of a revenue or to the expenditure of it.³ During the greater part of this eventful period, the Assembly of the Province was represented at the Capitol of the nation by an "Agent" of its own choice, over whom neither the Council nor the Governor, nor even the King himself, possessed the least authority;⁴ and it is

¹ DAWSON'S *Sons of Liberty*, 40, 41.

² Governor CLINTON to the Duke of Newcastle, December 13, 1744; DAWSON'S *Sons of Liberty*, 41, 42.

³ *Sons of Liberty*, 46-48, and the authorities there quoted.

⁴ The practice of appointing Colonial "Agents" was by no means confined to the period referred to: *the independence of those Agents was peculiarly the feature of the age in question*. In his *Sons of Liberty* (pp. 43, 44), Mr. DAWSON has brought together the authorities on this subject, and to that pamphlet the reader is referred.

lutionary era of the Early Political History of New York.

The different "Agreements" of non-importation, &c., into which the tradesmen of this city entered;¹ the popular struggle with the Government and its Conservative allies respecting the election of Delegates to the Continental Congress of 1774,² and the defeat of the latter and their subsequent change of policy in order to secure the control of the delegation; the infidelity to the popular cause by the popular Committee of Fifty-one, and the condemnation of that Committee by "The Great Meeting in the 'Fields'"³—at which, it is said, ALEXANDER HAMILTON made his *début* into political life;⁴ the seizure of the Government stores at Turtle Bay by the populace;⁵ the seizure of the arsenal in the old City

BANCROFT'S *History of the American Revolution*, vi., 332; DAVIS'S *Sketch of the Old Bridewell* (VALENTINE'S *Manual* for 1855, 489-491); DAWSON'S *Sons of Liberty*, 112-117.

¹ The first Agreement of the kind referred to, was that entered into on the thirty-first of October, 1765, in which "the Merchants of the city of 'New York, trading to Great Britain,' resolved that they would import no more goods from the Mother Country until the Stamp Act should be repealed. (HOLT'S *New York Gazette and Post-Boy*, November 7, 1765; LEAKE'S *Life of General Lamb*, 14; GRAHAM'S *United States*, iv., 224.) Other agreements of a similar character were entered into from time to time, and all were rigidly enforced by the Sons of Liberty.

² Minutes of the Committee of Fifty-one; Correspondence of that Committee and the Committee at MARRINER'S; LEAKE'S *Life of General Lamb*, 94.

³ LEAKE'S *Life of General Lamb*, 88-94; Proceedings of Meeting in the Fields; DUNLAP'S *New York*, i., 453; DAWSON'S *Park and its Vicinity*, 462-465.

⁴ HAMILTON'S *Life of HAMILTON*, i.; BANCROFT'S *United States*; DAWSON'S *Park and its Vicinity* (VALENTINE'S *Manual*, 464, 465).

⁵ LOSSING'S *Field-Book of the Revolution* (Second edition), ii., 589;

Hall;¹ the establishment of a provisional local Government in this city;² the seizure of the arms while *en route*, under escort, for Boston, while they were passing through Broad and Beaver Streets, in this city;³ all these subjects, and many others which are equally important, crowd the pages of the Early Political History of New York during its revolutionary era, and bespeak the importance of the trust which has been confided to this body by the Government of the State; by our predecessors in membership; and by those, throughout the city and State, by whom they and we have been cheered on in the discharge of this trust.

I might occupy your attention much longer with this branch of my subject; but I will dismiss it with an interesting allusion to a single incident, which, so far as I have observed, has not been noticed by any who have preceded me.

It will be remembered that among the Agents which represented the Assembly of New York, at London, was EDMUND BURKE, the able and eloquent member of Parliament for Wendover and Bristol; and there is little doubt that in that capacity he was

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made acquainted with the various memorials and other papers which that Assembly had transmitted from time to time to the Parliament and to the Ministry, in its efforts to protect the social and political rights and interests of the Colonists. Let any one read those Memorials, especially that concerning the Stamp Act, and compare the sentiments which they contain with those fervid denunciations by Mr. BURKE of the policy of the Ministry, and he must be satisfied that if those Memorials had not *originated* the argument of the illustrious orator, they at least *strengthened* and *confirmed* it.

Struggling for their rights as men and as Englishmen, the Assembly represented, on one occasion,¹ that "an exemption from the burden of ungranted, "involuntary taxes must be the grand principle of "every free State. Without such a right vested in "themselves, exclusive of all others, there can be no "liberty, no happiness, no security: it is inseparable "from the very idea of property; for who can call "that his own which may be taken away at the pleasure of another? And so evidently does this "appear to be the natural right of mankind, that "even conquered tributary States, though subject to "the payment of a fixed periodical Tribute, never "were reduced to so abject and forlorn a condition as "to yield to all the burdens which their conquerors "might at any future time think fit to impose. The "tribute paid, the debt was discharged; and the

¹ Memorial of the Assembly of New York to the House of Commons, adopted by the House, October 18, 1764.—(*Journals of that date.*)

“remainder they could call their own. And if conquered vassals, upon the principle even of natural Justice, may claim a freedom from assessments, unbounded and unassented to, without which they would sustain the loss of everything, and life itself become intolerable, with how much propriety and boldness may we proceed to inform the Commons of Great Britain, who, to their distinguished honor, have in all ages asserted the liberties of mankind, that the people of this Colony, inspired by the genius of their mother country, nobly disdain the thought of claiming that exemption as a *privilege*. They found it on a basis more honorable, solid, and stable; they challenge it, and glory in it as *their right*. That right their ancestors enjoyed in Great Britain and Ireland; their descendants, returning to those kingdoms, enjoy it again: and that it may be exercised by His Majesty’s subjects at home, and be justly denied to those who submitted to poverty, barbarian wars, loss of blood, loss of money, personal fatigues, and ten thousand unutterable hardships, to enlarge the trade, wealth, and dominion of the nation; or to speak with the most unexceptional modesty, that when as subjects all have *equal* merit, a fatal, nay, the most odious discrimination should nevertheless be made between them; no sophistry can recommend to the sober, impartial decision of common sense.”

Thus boldly spake the Assembly of New York to the House of Commons; and the Agent of that Assembly in the same body, thus enforced, at a subsequent date, the arguments which his principals had

“know, Sir, that the great contests for freedom in
“this country were from the earliest times chiefly
“upon the question of *taxing*. Most of the contests
“in the ancient commonwealths turned primarily on
“the right of election of magistrates; or on the
“balance among the several orders of the State.
“The question of money was not with them so
“immediate. But in England it was otherwise. On
“this point of taxes the ablest pens and most elo-
“quent tongues have been exercised; the greatest
“spirits have acted and suffered. In order to give
“the fullest satisfaction concerning the importance of
“this point, it was not only necessary for those who
“in argument defended the excellence of the English
“Constitution, to insist on this privilege of granting
“money as a dry point of fact, and to prove that the
“right had been acknowledged in ancient parchments
“and blind usages to reside in a certain body, called
“a House of Commons. They went much further.
“They attempted to prove—and they succeeded—
“that in theory *it ought to be so*, from the particular
“nature of a House of Commons, as an immediate
“representative of the people; whether the old
“records had delivered this oracle or not. They
“took infinite pains to inculcate, as a fundamental
“principle, that in all monarchies the *people must in*
“*effect themselves*, mediately or immediately, possess
“the *power of granting their own money*, or *no shadow*
“*of liberty could subsist*. The Colonies draw from you,
“as with their life-blood, *these ideas and principles*.
“Their love of liberty, as with you, is fixed and
“attached on this specific point of taxing. Liberty

“might be safe or might be endangered in twenty
“other particulars, without their being much pleased
“or alarmed. Here they felt its pulse; and as they
“found that beat, they thought themselves sick or
“soured. I do not say whether they were right or
“wrong in applying your general arguments to their
“own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is,
“that they *did* thus apply those general arguments;
“and your mode of governing them, whether through
“lenity or indolence, through wisdom or mistake,
“confirmed them in the imagination that they, as
“well as you, had an interest in these common principles.”

I need not refer to other portions of Mr. BURKE's speeches in the House of Commons, to illustrate the use which he made of the arguments which were urged by the body of which he was the legally-appointed and salaried Agent. That which I have cited is entirely based on the arguments which I first read to you; and every prominent point of the argument of that Memorial, even where he does not wholly concur with the Assembly, is noticed by their Agent in the speech from which I have last quoted.

With these facts before us, the interest and importance which attach to the Early Political History of this State, and the consequent responsibility which rests on the Society to whose fostering guardianship it has been especially intrusted, need no further illustration.

All that is considered honorable in the history of this community; all in that history from which we

should take warning, either as men or as citizens; all that has diffused glory around the name and escutcheon of New York, depend for the very evidence of their existence on the fidelity with which their duties are discharged by such associations as this.

Do the descendants of the Dutch look back with honest pride on the civil and religious liberty which made the New Netherland the home of the oppressed and the refuge of the outcast—even those from New England, who had dared in THAT *peculiar* sanctuary of freedom to possess and to exercise consciences which had not been cast in the Puritanic mould?¹ Do they refer, and teach their children to refer, to the sturdy refusal to yield their guaranteed rights as men and as subjects? Do the representatives of BRADFORD and of ZENGER, of MORRIS and of DE LANCEY, of VAN DAM and of CLARKE, of COLDEN and of SCOTT, of SMITH and of LIVINGSTON, refer to the noteworthy deeds of their respective ancestors? Does the zealous but less conspicuous New Yorker, in behalf of his native or adopted State, contend with the equally zealous New Englander for the honor of priority in resisting the aggressions of the Crown, and deny the peculiar honors which have been demanded respectively for King-street and Lexington? Does he join issue with Mr. JEFFERSON and the champions of Virginia, or with Mr. ADAMS and the champions of Massachusetts, when they set up the claims of their respective

¹ As in the cases of ROGER WILLIAMS and ANNE HUTCHINSON.

States to the honor of having originated and set in motion, and enjoyed the benefits of, the labors of the first two of that "great invention" known as "Committees of Correspondence?" Does he claim for New York the honor of priority in resisting the right of impressment for the Navy? Does he point to the slope of Golden Hill, and say, "On that spot, "five years and four months before the Battle of "Lexington—two months before the massacre in "King-street even—was the *first* blood shed, in conflict between the Colonists and the Royal forces?" Whither can they turn for evidence, but to the archives of such associations as this—to the depositories of the records on which rests all that has been written, all which can be written, on the Political History of New York?

The events which I have thus traced in the Early Political History of New York from their commencement in the resolute resistance of the Dutch in this city to the oath which Colonel NICOLLS had required of them, until their termination in the establishment of the Independence of our country, arrested the attention of the most distinguished statesmen of the Old World; and, as I have shown, they elicited the admiration and aroused the sympathies, if they did not control the political action, of one of the most distinguished of their number—EDMUND BURKE, the champion in the British House of Commons of the remonstrant Colonies, and the official representative of the Assembly of New York near the British Government.

In his speech on "*American Taxation*," delivered

in 1774, with powerful and persuasive eloquence, he advocated the political rights of the Colonies; and, in the course of the debate on that question, he declared that nothing in the history of mankind was like their progress. "For my own part," he continued, "I never cast an eye on their flourishing commerce and their cultivated and commodious life, but they seem to me rather ancient nations, grown to perfection through a long series of fortunate events and a train of successful industry, accumulating wealth in many centuries, than the Colonies of yesterday; than a set of miserable outcasts, a few years ago, not so much *sent* as *thrown* out on the bleak and barren shore of a desolate wilderness, three thousand miles from all civilized intercourse."

In the following year—1775—in his masterly speech on "*Conciliation with America*," Mr. BURKE called the attention of the House of Commons to the growth of England's prosperity, which "had happened," he said, "within the short period of the life of man—within sixty-eight years;" and again, with impassioned eloquence, he alluded to the greater progress in all that constituted the true greatness of the British Colonies in America. "For instance," he exclaimed, referring to the progressive greatness of England, "my Lord BATHURST might remember all the stages of that progress. He was, in 1704, of an age at least to be made to comprehend such things. He was then old enough, '*acta parentum jam legere et quæ fit poterit cognoscere virtus.*' "Suppose, Sir," he continued, "that the angel of

lutionary era of the Early Political History of New York.

The different "Agreements" of non-importation, &c., into which the tradesmen of this city entered;¹ the popular struggle with the Government and its Conservative allies respecting the election of Delegates to the Continental Congress of 1774,² and the defeat of the latter and their subsequent change of policy in order to secure the control of the delegation; the infidelity to the popular cause by the popular Committee of Fifty-one, and the condemnation of that Committee by "The Great Meeting in the 'Fields'"³—at which, it is said, ALEXANDER HAMILTON made his *début* into political life;⁴ the seizure of the Government stores at Turtle Bay by the populace;⁵ the seizure of the arsenal in the old City

BANCROFT'S *History of the American Revolution*, vi., 332; DAVIS'S *Sketch of the Old Bridewell* (VALENTINE'S *Manual* for 1855, 489-491); DAWSON'S *Sons of Liberty*, 112-117.

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ment of our existing political difficulties, had carried the commerce of America into every sea ; and all the great marts of the world were crowded with her adventurous sons. At the present day, notwithstanding the internal troubles which afflict us, the providence of God continues to point out to us our prosperity, and to indicate, in language which cannot be misunderstood, our mission among men—a mission which affects at once their social, their political, and their spiritual welfare. From the mighty West—the infant Hercules of our political world—and from the vast territories bounded by the Rio Grande, the unemployed elements of national wealth and national power rise up and bear testimony concerning our duty to the benighted and the fettered nations of the earth, and our capacity to discharge it ; while the ceaseless din of the ever-busy East, and the ebb and flow of the tide of commercial greatness through which the wealth of the world is poured into *our* lap, alike point out our fitness for the task, our ability to execute it, and the criminality of our neglect, should we fail to obey.

Skepticism may doubt this ! It regards neither the lessons of experience nor the “bow of promise” in the future. Nor does it duly heed the portentous events now transpiring, the convulsive throes of a great nation, the political upheaving among the masses, the mighty social disruptions, or the important elementary changes, which the existing civil war presents in their gigantic and impressive significance.

But the Christian’s faith contemplates these momentous occurrences in their providential direction,

as civilizing agencies, productive of social reforms and eventual blessings. They are harbingers of the day when "the earth shall be full of the knowledge
"of the LORD, as the waters cover the sea."

In hope, Faith sees the "Angel of Peace" re-enter the once happy homes, around whose hearthstones are gathered the mourners lamenting the loved ones who have perished in the service of their country. While gently closing his wings to rest among them, he lifts the veil which discloses the future, and, as they look, they catch inspiration from the glories it reveals, and rejoice that these sacrifices were not made in vain.

There is a hope, however, "an anchor of the
"soul both sure and steadfast," which animates the Christian patriot in his reflections on the destiny of America. It imparts strength to the conviction, that whenever our country is purified from the dross intermingled with its otherwise free and popular institutions, by the fiery ordeal through which it is passing, it will arouse itself "as a strong man to run
"a race," and start afresh on its Christian career with a belief in that destiny, not less firm than was the deep and abiding faith of an ancient author, which he happily expressed in these few but animating words:
"Θεοῦ θέλοντος, καὶ ἐπὶ ῥίπιδος πλήρης, Σώζῃ"*—
God protecting thee, though thou wert at sea upon a twig, thou shouldst be safe!

* THESTIUS, apud THEOPHIL. ad AUTOLYC., lib. ii, § 8. Probably a Greek proverb—thus: Θεοῦ θέλοντος, καὶ ἐπὶ ῥίπιδος πλήρους—supposed from PINDAR. See PLUTARCH'S *Moralia*, 2, 405, B.



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